

AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND REFUSE, OF THE CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES, ESTABLISHING A USER FEE FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL MUNICIPAL SOLID WASTE WHICH AMENDMENT WILL INCREASE THE USER FEE BY \$1.50 PER MONTH AND ESTABLISHING A SOLID WASTE FUND.

WHEREAS, the City of Fort Wayne amended Chapter 50: Garbage and Refuse, of the City of Fort Wayne, Indiana, Code of Ordinances, by establishing a user fee in Ordinance G-53-92; and

WHEREAS, the City of Fort Wayne has chosen to continue providing the service of residential refuse collection and disposal including the disposal of yard waste and curbside recycling through its Board of Public Works in accordance with I.C. 36-9-6-19; and

WHEREAS, the City of Fort Wayne has pursuant to I.C. 36-9-30-5 contracted with National Serv-All, Inc. and Browning Ferris Industries for the collection and disposal of refuse from residential units, yard waste from residential units and curb side collection of recyclables as those terms are defined in the various contracts through December 31, 1999; and

WHEREAS, the Common Council of the City of Fort Wayne, in accordance with I.C. 36-9-30-6, has until the passage of General Ordinance G-53-92, annually made appropriation from the General Fund to cover necessary and incidental costs of providing for such refuse disposal without assessing a charge against the residential user for this service; and

WHEREAS, I.C. 36-9-30-7 grants to the Board of Public Works the power to collect revenues for the service of collection and disposing of solid waste; and

WHEREAS, the changes in the laws of the State of Indiana in the regulations of solid waste disposal

sites have required a separation of yard waste from the regular waste stream; and

WHEREAS, it is declared to be public policy to separate recyclables from the solid waste stream; and

WHEREAS, the additional changes require an increase in the user fee previously enacted by this Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 50: Garbage and Refuse, §50.02 (A) Definitions. be amended to add the following definitions:

CURB SIDE RECYCLING - Bi-weekly pick-up of discarded material as specified by the City including but not limited to newspapers, aluminum, glass, steel and plastic containers which can be separated from municipal solid waste for the purpose of recycling, but not including material generated from and commonly reused within an original manufacturing process.

RESIDENTIAL UNIT - A group of rooms located within a building or mobile home and forming a single inhabitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating. This definition also includes complexes containing four or fewer separate or contiguous single-family dwelling units whose owner has not elected to procure commercial waste removal by a registered hauler.

SECTION 2. That Chapter 50: Garbage and Refuse, §50.02 (B) be amended as follows:

Commencing January 1, 1995, the City shall assess a fee of \$6.50 per month for the service of collection and disposal of residential municipal waste, collection and disposal of residential yard waste and bi-weekly collection of recyclable materials rendered by the City.

SECTION 3. That Chapter 50: Garbage and Refuse, §50.02 (H) be amended as follows:

1 The fee and residential municipal waste collection
2 and disposal program established hereunder shall be
3 reviewed at least annually. Said rate system shall be
4 adjusted as necessary to provide sufficient funds to pay
5 any and all contract fees for collection, hauling and/or
6 disposal of such residential municipal waste and all
7 costs incidental to the program, but shall also strive to
8 equitably assess charges in a manner conducive to
9 voluntary recycling. However, the fee shall not exceed
10 \$6.50 for 1995.

11 **SECTION 4. Separate Solid Waste Fund.**

12 Commencing January 1, 1995, the revenues collected
13 by the City from the monthly user fees, any reimbursement
14 for clean-up costs and missed collection liquidated
15 damage penalty fees shall be deposited in a separate,
16 non-reverting, perpetual fund. This fund shall be
17 established for the purpose of accounting and paying for
18 the costs of collecting, disposing, and recycling of
19 solid waste. When necessary, the Common Council may
20 approve additional operating transfers into this fund.

21 **SECTION 5. Severability.**

22 a) The invalidity of any section, sentence, clause,
23 paragraph, part or provision of this Ordinance shall not
24 affect the validity of any other section, sentence,
25 clause, paragraph, part or provision of this Ordinance
26 which can be given meaning without such invalid part or
27 parts.

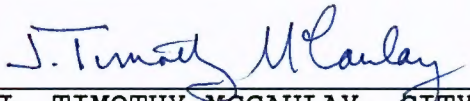
28 b) All Ordinances or parts of Ordinances and
29 sections of the Municipal Code of the City of Fort Wayne
30 in conflict herewith are hereby repealed.
31
32

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.



Council Member

APPROVED AS TO FORM
AND LEGALITY



J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Detmick, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 5-24-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Detmick, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 6-28-94

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. 2-11-94 on the 28th day of June, 1994

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Cletus R Edmonds
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of June, 1994, at the hour of 2:00 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of June, 1994, at the hour of 12:30 o'clock P. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR



The City of Fort Wayne

Paul Helmke, Mayor

May 24, 1994

To the Members of Common Council:

\$ G-94-05-13

Enclosed please find General Ordinance G-94-05. This is an Ordinance to amend the user fee ordinance increasing the fee by \$1.50 per month effective January 1, 1995. This Ordinance is to fully fund the new garbage, yard waste and recycling contracts effective January 1, 1995.

The purpose of the user fee is to provide funding for additional services of separate yard waste pick-up and recyclables and to keep the garbage service privatized.

A failure to pass the increase would mean either a partial subsidy of the solid waste pick-up program from property taxes or elimination of either recycling or yard waste pick-up or both.

Very truly yours,

CITY OF FORT WAYNE BOARD OF
PUBLIC WORKS

R. David Boyer
R. David Boyer
Associate City Attorney

RDB:alc
Enclosure

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE ORDINANCE AMENDS CHAPTER 50 OF THE FORT WAYNE CODE OF LAWS INCREASING THE GARBAGE USER FEE BY \$1.50 PER MONTH BEGINNING JANUARY 1, 1995. ORDINANCE ALSO CREATES A SOLID WASTE FUND.

EFFECT OF PASSAGE PROVIDES USER FEE TO FUND NEW TRASH PICK-UP PROGRAM.

EFFECT OF NON-PASSAGE A SHORTFALL OF PICK-UP COSTS IS FUNDED FROM TAX REVENUES.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) AVOIDS ENCUMBERING TAX REVENUES BY APPROXIMATELY \$750,000.00.

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-94-05-13

REPORT OF THE COMMITTEE ON
FINANCE *of the Bill*
CLETUS R. EDMONDS - DONALD J. SCHMIDT - CO-CHAIR
ARCHIE L. LUNSEY
DAVID C. LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) AMENDING CHAPTER 50: GARBAGE
AND REFUSE, OF THE CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES,
ESTABLISHING A USER FEE FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL
MUNICIPAL SOLID WASTE WHICH AMENDMENT WILL INCREASE THE USER FEE BY
\$1.50 PER MONTH AND ESTABLISHING A SOLID WASTE FUND

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Signature]
[Signature]

Mark C. Guazunta

Janet G. Brinkman
John Talarico
Cletus R. Edmonds

DATED: *6-28-94*

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

July 1, 1994

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of July 5 & July 12, 1994, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-94-05-13
General Ordinance No. G-11-94
User Fee for the Collection
and disposal of residential
municipal solid waste

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

Notice is hereby given that on the 28th day of
June, 19 94, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-94-05-13 General
Ordinance No. G-11-94 to-wit:

BILL NO. G-94-05-13

GENERAL ORDINANCE NO. G-11-94

AN ORDINANCE AMENDING CHAPTER 50:
GARBAGE AND REFUSE, OF THE CITY OF
FORT WAYNE, INDIANA, CODE OF
ORDINANCES, ESTABLISHING A USER FEE
FOR THE COLLECTION AND DISPOSAL OF
RESIDENTIAL MUNICIPAL SOLID WASTE
WHICH AMENDMENT WILL INCREASE THE
USER FEE BY \$1.50 PER MONTH AND
ESTABLISHING A SOLID WASTE FUND.

WHEREAS, the City of Fort Wayne amended Chapter
50: Garbage and Refuse, of the City of Fort Wayne,
Indiana, Code of Ordinances, by establishing a user fee
in Ordinance G-53-92; and

WHEREAS, the City of Fort Wayne has chosen to
continue providing the service of residential refuse
collection and disposal including the disposal of yard
waste and curbside recycling through its Board of Public
Works in accordance with I.C. 36-9-6-19; and

WHEREAS, the City of Fort Wayne has pursuant to
I.C. 36-9-30-5 contracted with National Serv-All, Inc.
and Browning Ferris Industries for the collection and
disposal of refuse from residential units, yard waste
from residential units and curb side collection of
recyclables as those terms are defined in the various
contracts through December 31, 1999; and

WHEREAS, the Common Council of the City of Fort
Wayne, in accordance with I.C. 36-9-30-6, has until the
passage of General Ordinance G-53-92, annually made
appropriation from the General Fund to cover necessary
and incidental costs of providing for such refuse
disposal without assessing a charge against the
residential user for this service; and

WHEREAS, I.C. 36-9-30-7 grants to the Board of
Public Works the power to collect revenues for the
service of collection and disposing of solid waste; and

WHEREAS, the changes in the laws of the State
of Indiana in the regulations of solid waste disposal

sites have required a separation of yard waste from the regular waste stream; and

WHEREAS, it is declared to be public policy to separate recyclables from the solid waste stream; and

WHEREAS, the additional changes require an increase in the user fee previously enacted by this Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 50: Garbage and Refuse, §50.02 (A) Definitions. be amended to add the following definitions:

CURB SIDE RECYCLING - Bi-weekly pick-up of discarded material as specified by the City including but not limited to newspapers, aluminum, glass, steel and plastic containers which can be separated from municipal solid waste for the purpose of recycling, but not including material generated from and commonly reused within an original manufacturing process.

RESIDENTIAL UNIT - A group of rooms located within a building or mobile home and forming a single inhabitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating. This definition also includes complexes containing four or fewer separate or contiguous single-family dwelling units whose owner has not elected to procure commercial waste removal by a registered hauler.

SECTION 2. That Chapter 50: Garbage and Refuse, §50.02 (B) be amended, as follows:

Commencing January 1, 1995, the City shall assess a fee of \$6.50 per month for the service of collection and disposal of residential municipal waste, collection and disposal of residential yard waste and bi-weekly collection of recyclable materials rendered by the City.

SECTION 3. That Chapter 50: Garbage and Refuse, §50.02 (H) be amended as follows:

The fee and residential municipal waste collection and disposal program established hereunder shall be reviewed at least annually. Said rate system shall be adjusted as necessary to provide sufficient funds to pay any and all contract fees for collection, hauling and/or disposal of such residential municipal waste and all costs incidental to the program, but shall also strive to equitably assess charges in a manner conducive to voluntary recycling. However, the fee shall not exceed \$6.50 for 1995.

SECTION 4. Separate Solid Waste Fund.

Commencing January 1, 1995, the revenues collected by the City from the monthly user fees, any reimbursement for clean-up costs and missed collection liquidated damage penalty fees shall be deposited in a separate, non-reverting, perpetual fund. This fund shall be established for the purpose of accounting and paying for the costs of collecting, disposing, and recycling of solid waste. When necessary, the Common Council may approve additional operating transfers into this fund.

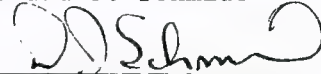
SECTION 5. Severability.

a) The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

b) All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.

Donald J. Schmidt


Council Member

Read the third time in full and on motion by Schmidt, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bradbury, Edmonds, GiaQuinta, Henry, Long, Lunsey,
Ravine, Schmidt, Talarico
NAYS: None
ABSTAINED: None
ABSENT: None

DATED: 6-28-94

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-11-94 on the 28th day of June, 1994.

ATTEST: SEAL

Sandra E. Kennedy
City Clerk

Cletus R. Edmonds
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of June, 1994, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 30th day of June, 1994, at the hour of 12:30 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of _____ General _____ Ordinance No. G-11-94, passed by the Common Council on the 28th day of June, 19 94, and that said Ordinance was duly signed and approved by the Mayor on the 30th day of June, 19 94, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of June, 19 94.

SEAL

SANDRA E. KENNEDY, CITY CLERK

4

LEGAL NOTICE
Notice is hereby given that on the 28th day of June, 1994, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-94-05-13 General Ordinance No. G-11-94 to wit:
BILL NO. G-94-05-13
GENERAL ORDINANCE NO. G-11-94.
AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND REFUSE, OF THE CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES, ESTABLISHING A USER FEE FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL MUNICIPAL SOLID WASTE WHICH AMENDMENT WILL INCREASE THE USER FEE BY \$1.50 PER MONTH AND ESTABLISHING A SOLID WASTE FUND.
WHEREAS, the City of Fort Wayne amended Chapter 50: Garbage and Refuse, of the City of Fort Wayne, Indiana, Code of Ordinances, by establishing a user fee in Ordinance G-53-92; and
WHEREAS, the City of Fort Wayne has chosen to continue providing the service of residential refuse collection and disposal including the disposal of yard waste and curbside recycling through its Board of Public Works in accordance with I.C. 36-9-6-19; and
WHEREAS, the City of Fort Wayne has pursuant to I.C. 36-9-30-5 contracted with National Serv-All, Inc. and Browning Ferris Industries for the collection and disposal of refuse from residential units, yard waste from residential units and curb side collection of recyclables as those terms are defined in the various contracts through December 31, 1999; and
WHEREAS, the Common Council of the City of Fort Wayne, in accordance with I.C. 36-9-30-6, has until the passage of General Ordinance G-53-92, annually made appropriation from the General Fund to cover necessary and incidental costs of providing for such refuse disposal without assessing a charge against a residential user for this service; and
WHEREAS, I.C. 36-9-30-7 grants to the Board of Public Works the power to collect revenues for the service of collection and disposing of solid waste; and
WHEREAS, the changes in the laws of the State of Indiana in the regulations of solid waste disposal have required a separation of yard waste from regular waste stream; and
WHEREAS, it is declared to be public policy to separate recyclables from the solid waste stream; and
WHEREAS, the additional changes require an increase in the user fee previously enacted by this Council.
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. That Chapter 50: Garbage and Refuse, section 50.02 (A) Definitions, be amended to the following definitions:
B) SIDE RECYCLING - Bi-weekly pick-up of discarded material as specified by the City including but not limited to newspapers, aluminum, glass, steel plastic containers which can be separated from municipal solid waste for the purpose of recycling, not including material generated from and commonly reused within an original manufacturing process.
RESIDENTIAL UNIT - A group of rooms located in a building or mobile home and forming a inhabitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating. This definition also includes complexes consisting of four or fewer separate or contiguous single-family dwelling units whose owner has not elect to procure commercial waste removal by a registered hauler.
SECTION 2. That Chapter 50: Garbage and Refuse, section 50.02 (B) be amended as follows:
Beginning January 1, 1995, the City shall assess a fee of \$6.50 per month for the service of collection and disposal of residential yard waste and bi-weekly collection of recyclable materials rendered by the City.
SECTION 3. That Chapter 50: Garbage and Refuse, section 50.02 (H) be amended as follows:
The municipal waste collection and residential municipal waste collection and disposal program established hereunder shall be revised at least annually. Said rate system shall be revised as necessary to provide sufficient funds to meet the costs of collection, hauling, and all contract fees for collection, hauling and disposal of such residential municipal waste or disposal of such residential municipal waste or disposal of such residential municipal waste. All costs incidental to the program, but shall also include the cost of assessing charges in a manner consistent with the fee schedule for the collection and disposal of solid waste. However, the fee shall not exceed \$6.50 for 1995.
SECTION 4. Separate Solid Waste Fund.
Beginning January 1, 1995, the revenues collected by the City from the monthly user fees, any reimbursement for clean-up costs and missed collection dated damage penalty fees shall be deposited in a separate, non-reverting, perpetual fund. This fund shall be established for the costs of collecting, disposing, and paying for the costs of collecting, disposing, and recycling of solid waste. When necessary, the Common Council may approve additional operating expenses into this fund.
SECTION 5. Severability.
The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity of any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.
All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne conflict herewith are hereby repealed.
SECTION 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.
Donald J. Schmidt
Council Member
Read the third time in full and on motion by Schmidt, and duly adopted, placed on its passage. PASSED by the following vote:
YES: Nine
Bradbury, Edmonds, GiaQuinta, Henry, Long, Ramsey, Ravine, Schmidt, Talarico
NAY: None
ABSENT: None
VOTED: 6-28-94
Sandra E. Kennedy
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-11-94 on the 28th day of June, 1994.
ATTEST:
Sandra E. Kennedy
City Clerk
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of June, 1994, at the hour of 2:00 o'clock P.M., E.S.T.
Sandra E. Kennedy City Clerk
Approved and signed by me this 30th day of June, 1994, at the hour of 12:30 o'clock P.M., E.S.T.
Paul Helms
Mayor
I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-11-94 passed by the Common Council on the 28th day of June, 1994, and that said Ordinance was duly signed and approved by the Mayor on the 30th day of June, 1994, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of June, 1994.
SANDRA E. KENNEDY, CITY CLERK #650257
7-5-16

Board of Accounts
General Form No. 99P (Revised 1987)
The News-Sentinel
P.O. Box 100
Fort Wayne, IN
To: Dr.
County, Indiana

PUBLISHER'S CLAIM

not exceed two actual lines, neither of which shall total
s of type in which the body of the advertisement is set)
lines

notice

ARGES

columns wide equals 160 equivalent lines
ne \$ 79.20

notices containing rule or tabular work
(amount)

of publication (\$1.00 for each proof in excess of two)

F CLAIM \$ 79.20

NG COST
n 12.5 ems
2

point

sions and penalties of Chapter 155, Acts 1953,

the foregoing account is just and correct, that the amount
, after allowing all just credits, and that no part of the

Julie L Rohyans

, 19 94 Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the
undersigned JULIE L ROHYANS who, being duly sworn, says that he/
she is Clerk of the The News-Sentinel newspaper of general
circulation printed and published in the English language in the (city) (town) of
Fort Wayne, IN in state and county aforesaid, and that the printed matter
attached hereto is a true copy, which was duly published in said paper for
2 time , the dates of publication being as follows:

7/5, 16/94

Julie L Rohyans

Subscribed and sworn to before me this 16th day of JULY, 19 94.

Mary L Adkison
Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

FW COMMON COUNCIL
(Governmental Unit)To: The News-Sentinel Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

160 lines, 1 columns wide equals 160 equivalent lines
at .495 cents per line

\$ 79.20

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

\$ 79.20

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Julie L. Rozyans

Clerk

Date: JULY 16, 19 94

Title:

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L. ROZYANS who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for

LEGAL NOTICE

Notice is hereby given that on the 28th day of June, 1994, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-94-05-13 General Ordinance No. G-11-94 to-wit:
BILL NO. G-94-05-13
GENERAL ORDINANCE NO. G-11-94.
AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND REFUSE, OF THE CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES, ESTABLISHING A USER FEE FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL MUNICIPAL SOLID WASTE WHICH AMENDMENT WILL INCREASE THE USER FEE BY \$1.50 PER MONTH AND ESTABLISHING A SOLID WASTE FUND.
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WHEREAS, the City of Fort Wayne has pursuant to C. 36-9-30-5 contracted with National Serv-All, Inc.

PUBLISHER'S CLAIM

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COMPUTATION OF CHARGES

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Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM \$ 79.20

DATA FOR COMPUTING COST

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Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Julio J. Polyan

Date: JULY 16, 19 94

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

LEGAL NOTICE

Notice is hereby given that on the 28th day of June, 1994, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-94-05-13 General Ordinance No. G-11-94 to-wit:

BILL NO. G-94-05-13
GENERAL ORDINANCE NO. G-11-94
AN ORDINANCE AMENDING CHAPTER 50: GARBAGE AND REFUSE, OF THE CITY OF FORT WAYNE, INDIANA, CODE OF ORDINANCES, ESTABLISHING A USER FEE FOR THE COLLECTION AND DISPOSAL OF RESIDENTIAL MUNICIPAL SOLID WASTE WHICH AHENDMENT WILL INCREASE THE USER FEE BY \$1.50 PER MONTH AND ESTABLISHING A SOLID WASTE FUND.

WHEREAS, the City of Fort Wayne amended Chapter 50: Garbage and Refuse, of the City of Fort Wayne, Indiana, Code of Ordinances, by establishing a user fee in Ordinance G-53-92; and

WHEREAS, the City of Fort Wayne has chosen to continue providing the service of residential refuse collection and disposal including the disposal of yard waste and curbside recycling through its Board of Public Works in accordance with I.C. 36-9-6-19; and

WHEREAS, the City of Fort Wayne has pursuant to I.C. 36-9-30-5 contracted with National Serv-All, Inc. and Browning Ferris Industries for the collection and disposal of refuse from residential units, yard waste from residential units and curb side collection of recyclables as those terms are defined in the various contracts through December 31, 1999; and

WHEREAS, the Common Council of the City of Fort Wayne, in accordance with I. C. 36-9-30-6, has until the passage of General Ordinance G-53-92, annually made appropriation from the General Fund to cover necessary and incidental costs of providing for such refuse disposal without assessing a charge against the residential user for this service; and

WHEREAS, I.C. 36-9-30-7 grants to the Board of Public Works the power to collect revenues for the service of collection and disposing of solid waste; and

WHEREAS, the changes in the laws of the State of Indiana in the regulations of solid waste disposal sites have required a separation of yard waste from the regular waste stream; and

WHEREAS, it is declared to be public policy to separate recyclables from the solid waste stream; and

WHEREAS, the additional changes require an increase in the user fee previously enacted by this Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 50: Garbage and Refuse, subsection 50.02 (A) Definitions, be amended to add the following definitions:

CURB SIDE RECYCLING - Bi-weekly pick-up of discarded material as specified by the City including but not limited to newspapers, aluminum, glass, steel and plastic containers which can be separated from municipal solid waste for the purpose of recycling, but not including material generated from and commonly reused within an original manufacturing process.

RESIDENTIAL UNIT - A group of rooms located within a building or mobile home and forming a single inhabitable unit with facilities which are used or are intended to be used for living, sleeping, cooking and eating. This definition also includes complexes containing four or fewer separate or contiguous single-family dwelling units whose owner has not elected to procure commercial waste removal by a registered hauler.

SECTION 2. That Chapter 50: Garbage and Refuse, subsection 50.02 (B) be amended as follows: Commencing January 1, 1995, the City shall assess a fee of \$6.50 per month for the service of collection and disposal of residential municipal waste, collection and disposal of residential yard waste and bi-weekly collection of recyclable materials rendered by the City.

SECTION 3. That Chapter 50: Garbage and Refuse, subsection 50.02 (H) be amended as follows: The fee and residential municipal waste collection and disposal program established hereunder shall be reviewed at least annually. Said rate system shall be adjusted as necessary to provide sufficient funds to pay any and all contract fees for collection, hauling and/or disposal of such residential municipal waste and all costs incidental to the program, but shall also strive to equitably assess charges in a manner conducive to voluntary recycling. However, the fee shall not exceed \$6.50 for 1995.

SECTION 4. Separate Solid Waste Fund. Commencing January 1, 1995, the revenues collected by the City from the monthly user fees, and reimbursement for clean-up costs and missed collection

bursement for clean-up costs and missed collection liquidated damage penalty fees shall be deposited in a separate, non-reverting, perpetual fund. This fund shall be established for the purpose of accounting and paying for the costs of collecting, disposing, and recycling of solid waste. When necessary, the Common Council may approve additional operating transfers into this fund.

SECTION 5. Severability.

a) The invalidity of any section, sentence, clause, paragraph, part or provision of this Ordinance shall not affect the validity or any other section, sentence, clause, paragraph, part or provision of this Ordinance which can be given meaning without such invalid part or parts.

b) All Ordinances or parts of Ordinances and sections of the Municipal Code of the City of Fort Wayne in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor and legal publication thereof.

Read the third time in full and on motion by Schmidt, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bradbury, Edmonds, GiaQuinta, Henry, Long, Lunsey, Ravine, Schmidt, Talarico
NAYS: None
ABSTAINED: None
ABSENT: None
DATED: 6-28-94

Donald J. Schmidt
Council Member

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-11-94 on the 28th day of June, 1994.

ATTEST:
Sandra E. Kennedy
City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of June, 1994, at the hour of 2:00 o'clock P.M., E.S.T.
Sandra E. Kennedy City Clerk

Approved and signed by me this 30th day of June, 1994, at the hour of 12:30 o'clock P.M., E.S.T.
Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Ind hereby certify that the above and foregoing true and complete copy of General Ordinance G-11-94 passed by the Common Council 28th day of June, 1994, and that said Ordinance was duly signed and approved by the Mayor 30th day of June, 1994, and now remains on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of June, 1994.

SANDRA E. KENNEDY, CITY CLERK
7-5-16

(city) (town) of
printed matter
said paper for

, 19 94 .

Julio J. Polyan

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

160 lines, 1 columns wide equals 160 equivalent lines
at .495 cents per line

\$ 79.20

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 79.20

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Julie L Rohyans

Date: JULY 16, 19 94

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

7/5, 16/94

Julie L Rohyans

Subscribed and sworn to before me this 16th day of JULY, 19 94.

MARY L ADKISON

Notary Public

My commission expires: NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

04-00000-0000
'85 Ford Escort 3-Dr., Automatic, 48,796 Act. Miles! St
'86 Pontiac Sunbird GT Automatic, Air Red! Sk. #R-S
'86 Olds Cutlass Supreme 4 Door, Auto., Air! Sk. #
'86 Ford Escort Pony 3-Door, 4 Speed, A Bargain! S
'87 Ford Taurus 4 Dr., Automatic, Air! Sk. #R-1047
'87 Volvo 240 DL 1 Owner, Local Trade, Low Miles! S
'87 Pont. Bonneville 4-Door, AT, Air, PS, PB, Nice!
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valid part or parts.
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STAINED: None
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